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TS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/164,630	10/01/98	CHEN	J 4006-003

LM01/0522

DONALD C CASEY  
99 CANAL CENTER PLAZA  
SUITE 300  
ALEXANDRIA VA 22314

EXAMINER

VO, N

ART UNIT

PAPER NUMBER

2745

DATE MAILED: 05/22/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/164,630

Applicant(s)

Chen

Examiner

Nguyen Vo

Group Art Unit

2745



☒ Responsive to communication(s) filed on Mar 6, 2000

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claim

☒ Claim(s) 1-10, 12, 14-17, 19-25, 28, 30-32, and 35-57 is/are pending in the application

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-10, 12, 14-17, 19-25, 28, 30-32, and 35-57 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☒ The proposed drawing correction, filed on Mar 6, 2000 is ☐ approved ☒ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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### **DETAILED ACTION**

1. This action is in response to applicant's amendment filed on 03/06/00. Claims 1-57 are now pending in the present application. This action is made FINAL.
2. The original patent, or an affidavit or declaration as to loss or inaccessibility of the original patent, must be received before this reissue application can be allowed. See 37 CFR 1.178.
3. **Applicant's amendments to the specification cannot be entered because it does not comply with 37 CFR 1.121(b)(1).**
4. **Applicant's amendments to claims 2-3, 7-8, 10, 12, 14-15, 17, 19-25, 28, 30-32, 35-37 cannot be entered because it does not comply with 37 CFR 1.121(b)(2).**
5. **Applicant's amendments to drawings are not approved because it does not comply with 37 CFR 1.121(b)(3).**

### ***Specification***

6. The amendment filed 03/06/00 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure

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is as follows: **the amendments to specification, column 2, line 4; column 2, beginning at line 23; column 3, beginning at line 1.**

Applicant is required to cancel the new matter in the reply to this Office action.

### *Drawings*

7. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 03/06/00 have been not approved **because it does not comply with 37 CFR 1.121(b)(3)**. For that reason, the objection to the drawing as set forth in the previous action is herein repeated.

8. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: "204". Correction is required.

### *Claim Objections*

9. Claims 4-5, 7-12, 14-16, 22, 27, 39-40 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Applicant on page 16 of his response states that the above objection to claims should be withdrawn in light of applicant's amendment filed on 03/06/00. The examiner, however, disagrees

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with applicant. For example, the recitation in claim 4 has already been in claim 2. Therefore, claim 4 fails to further limit the subject matter of a previous claim. The same reason is applied to claims 5, 7-12, 14-16, 22, 27.

10. Claims 20-25, 28, 30-32, 35-37 are objected to because of the following informalities: as to claim 20, the period "." at line 5 must be deleted. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

12. Claims 3-10, 12, 14-17, 19, 28, 30, 50-57 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**There are numerous antecedent errors existed in the claims. Applicant in the next response should carefully review his claims in order to correct those errors.**

As to claims 3-10, 12, 14-17, 19, the recitation "The invention" at line 1 should be changed to --The transmitter--.

As to claims 28 and 30, the claims are indefinite because they depend on a canceled claim (claim 27).

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As to claim 50, the recitation "said headphones or speakers" lacks clear antecedent basis.

13. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

14. Claims 2-10, 12, 14-17, 19-25, 28, 30-32, 35-49, 52-53 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant, on pages 16-19 asserts that the claims are supported by the circuit diagrams of figures 1 and 2. **The proposed drawing correction of figures 1 and 2, as mentioned above, are not approved.** For that reason, the rejection to claims is now repeated in this action.

As to claim 2, the original specification fails to disclose a variable capacitor diode as claimed.

As to claim 3, the original specification fails to disclose a wireless microphone transmitting system as claimed.

As to claim 6, the original specification fails to disclose the function of the signal processing circuit as claimed.

As to claim 8, the original specification fails to disclose "internal adjustable" as claimed.

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As to claim 9, the original specification fails to disclose that the second variable capacitor diode is externally adjustable by users through frequency controller VR1 as claimed.

As to claim 10, the original specification fails to disclose that the first IF output is adjustable by the first variable capacitor as claimed.

As to claim 16, the original specification fails to disclose that the power control circuit is controlled *automatically* and *manually* as claimed.

As to claim 19, the original specification fails to disclose that the transmitter unit can be used with a plurality of receiving earphones simultaneously as claimed.

As to claim 20, the original specification fails to disclose a variable capacitor diode as claimed.

As to claim 23, the original specification fails to disclose a frequency controller VR1 being *externally adjustable by users* as claimed.

As to claim 25, the original specification fails to disclose the function of the oscillatory frequency regulating circuit as claimed.

As to claim 36, the original specification fails to disclose a wireless microphone as claimed.

As to claim 38, the original specification fails to disclose a variable capacitor diode as claimed.

As to claims 42-43, the original specification fails to disclose VR1 and its functions as claimed.

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As to claim 48, the original specification fails to disclose that the power control circuit is controlled *automatically* and *manually* as claimed.

As to claim 52, the original specification fails to disclose a variable resistor to adjust the frequency of a received signal *externally*.

As to claim 53, the original specification fails to disclose "regulating circuit provides a local oscillatory frequency that can be broadly adjusted *without a conventional SAW* and which fixes a first local oscillatory frequency and adjusts a second local oscillator frequency" as claimed.

15. Claims 1-10, 12, 14-17, 19-25, 28, 30-32, 35-57 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Applicant, in his response, fails to address the rejections to claims 1-10, 12, 14-17, 19-25, 28, 30-32, 35-57 under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. **In addition, the proposed drawing correction of figures 1 and 2, as mentioned above, are not approved.** Therefore, the rejections to claims as set forth in the previous action are now repeated.

As to claims 1, 38, the claim recites that the dual oscillation frequency regulating circuit in the transmitter comprises of a first variable resistor, a second variable resistor. Figure 1, however,



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shows a first variable capacitor VCA and a second variable capacitor VCB, not variable resistors as claimed. Therefore, it is not clear as to what applicant intends to recite in the claim (variable capacitors or variable resistors). In addition, the claim recites that the dual oscillation frequency regulating circuit in the receiver comprises of two variable resistors. Figure 2, however, shows a first variable capacitor VCA and a second variable capacitor VCB, not variable resistors as claimed. Therefore, it is not clear as to what applicant intends to recite in the claim (variable capacitors or variable resistors).

As to claim 2, the claim recites that the dual oscillation frequency regulating circuit in the transmitter comprises a first variable capacitor. The specification, however, shows a first variable resistor, not variable capacitor as claimed. Therefore, it is not clear as to what applicant intends to recite in the claim (variable capacitors or variable resistors).

As to claims 20, 50, the claim recites that the dual oscillation frequency regulating circuit in the receiver comprises a variable capacitor. The specification, however, shows a variable resistor, not variable capacitor as claimed. Therefore, it is not clear as to what applicant intends to recite in the claim (variable capacitors or variable resistors).

### ***Response to Arguments***

16. Applicant's arguments filed 03/06/00 have been fully considered but they are not persuasive.

Applicant's attention is directed to the objection and rejection above for the reasons as to why the file is not in condition for allowance.

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***Conclusion***

**17. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

**18. Any response to this final action should be mailed to:**

**Box AF**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 305-9051, (for formal communications; please mark "EXPEDITED  
PROCEDURE")

**Or:**

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(703) 305-9508 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen Vo, whose telephone number is (703) 308-6728. The Examiner can normally be reached on Tuesday-Friday from 8:00 AM - 5:30 PM. The examiner can also be reached on alternate Monday.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Nguyen Vo  
May 21, 2000

  
**NGUYEN VO**  
**PRIMARY EXAMINER**